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TESTIMONY IN SUPPORT OF HB 6916
LABOR AND PUBLIC EMPLOYEES COMMITTEE PUBLIC HEARING
LEGISLATIVE OFFICE BUILDING, ROOM 1B

Representative Porter, Senator Kushner, and distinguished members of the Labor and Public Employees Committee: I would have liked to have given my testimony in person, but unfortunately I wasn't aware of the hearing date until tonight, and didn't have the required 24 hr. notice for the ADA bus, and to change my physical therapy appointments.

I would like to thank Rep. Johnson for proposing this bill as it is an important piece of legislation for not only injured workers, but also for the State of Connecticut for the following reasons:

I could be the poster child for undue delay. I have sustained multiple injuries. In my course of employment with the City of Hartford, I was an excellent employee for 30 years, receiving above average and outstanding evaluations throughout my tenure. Most of my injuries were sustained breaking up fights between students. I sustained another very bad injury due to my employers failure to accommodate and lengthen a strap on a 1907 freight elevator I had to use to get to my students in the alternate school program, that hadn't been inspected in years, and caused substantial injury. The elevator was replaced after my injury. I was always very dedicated and worked a number of years in a lot of pain. Mainly because of the employers insurance company's carrier denying treatment even when undisputed proof was provided that the injury was work related, and Board Certified physicians, and second opinions, documented it as so. Necessary surgeries were denied for years, with each successive injury. I prevailed at formal hearings and my injuries were adjudicated and found compensable, yet insurance attorney's continued to contest treatment, because of loopholes in the law, and there is really is no provision in the law from preventing them doing so. The strategy with the insurers is a wear down strategy of denying treatment dragging injured workers from hearing to hearing, in the hopes of the pain wearing them down, breaking their spirit, with the ultimate goal of having them giving up and eventually go on long term disability or State Welfare, once they can no longer endure.

That almost happened to me, but I fought back and stayed the course, which is very difficult to do when you are injured and in pain. My saving grace was my training and degrees in counseling and social worker, which gave me some coping skills, to fight this wear down strategy. The strategy of delay- delay, of surgeries, and treatment deemed medically necessary by physicians, does not allow the injured worker to heal and become whole. It also predisposes the injured worker to further injury. This is what happened to me. I never expected to spend my life in a wheelchair as a result. I truly believe if I had received timely treatment and surgeries when they were initially recommended by my surgeon, and not years later, I would not be in this position. What the legislation should also address is the fact the insurance attorneys have the incentive to delay, delay, with the incentive of more billable hours for them. They get paid for delaying. They get paid by the employer, win or lose, where the injured worker has to come up with the money to pay for costs of formal hearings, for their attorney to go to a formal hearing, and hope they win, to make it worth while for the attorney. If you are pro se that's another kettle of fish that worker against the injured worker. It is also another way of delaying the process as when they keep delaying it has to go to a formal hearing, and eventually the defense attorney's, claimants, get worn down and the injured worker runs out of money.

When injured workers are not treated promptly they get worse, and this could end up in long term disability, as it did in my case. It was also my employer's failure to accommodate after my injury for which I won a 290a which was over turned because my attorney forgot to include a piece of evidence

that I thought was important, and was the basis of it being overturned on appeal, because that piece of evidence was not submitted. I filed a civil suit and won, because I was well documented and the evidence was overwhelming. Not every injured worker has the faith or fortitude to go through that, and shouldn't have to. It is my understanding the original purpose of the WC law was to provide the treatment injured workers need, giving up their 7th amendment right for that purpose.

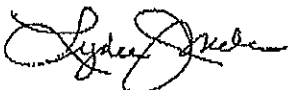
The insurance attorneys in my case denied a wheelchair which I needed. They took it to court. After two years of litigation, I prevailed pro se, all the way to the supreme Court. Not because I have any legal training, I don't, but because the case was so egregious, and the abuse so evident. It is a perfect example of how the systems allow the insurance company attorneys to abuse and delay. It is in their financial interest to do so. It certainly was not cost effective for my employer who instead of the cost of a wheelchair, had to pay thousands and thousands of dollars in billable hours to the insurance attorney, plus court fees to litigate it all the way to the supreme court, which shows the extent they will go to wear someone down.

I would like clarification from this body of legislators on 31-294d, which from my reading states it is the physician who determines medical necessity. What was the intent of the legislators? Is it the physician who is the only one that has the medical expertise and training to make that determination. Is it the insurance WC carrier? Is it the commissioner? This is often used to delay and force injured workers to go to formal hearings causing delay in medical treatment and necessary surgery.

This bill will help prevent undue delay and from the injured workers being worn down to the extent of losing their jobs, their families in the process. This bill will help in curtailing the abuse of the delay which as in my case can result in long term disability. It can also prevent the potential of some injured workers being driven to suicide because they have lost their job or family in the process, as documented in a highly recommend book written by a PHD injured worker Patrice Woeppel, who after five years of research wrote, "depraved indifference, the Workers' Compensation System".

I hope legislators will pass this bill to give the injured workers the opportunity to heal from their injuries and become whole and productive members in the State, but also for the benefit of the State to prevent insurers from pushing people on to long term disability or on to Medicaid, while they continue to put money from delayed treatment and surgery into their coffers, at the expense of the injured worker and the State of Connecticut.

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